

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING TUESDAY, JUNE 23, 2009 CITY HALL, 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA

5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - a. Closed Session pursuant to Government Code Section 54956.8:
CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: Sunnyvale Town Center
Negotiating Parties: Gary Luebbbers, Agency Director; Peter Pau and Ashley Powell,
Sunnyvale Mixed Use LLC
Under Negotiation: Terms of ARDDOPA
4. Adjourn Special Meeting

6:30 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Introductions
4. Study Session Presentation: Intergovernmental Relations Update
 - a. Legislative/Issue Advocacy update
 - b. IGR Advocacy Update Study Session Format
5. Council comments and questions of staff
6. Public comments
7. Adjourn Special Meeting

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.

CALL TO ORDER – Call to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORT FOR JUNE 23, 2009

Closed Session pursuant to Government Code Section 54956.8 - Conference with Real Property Negotiator

SPECIAL ORDER OF THE DAY – Boards and Commissions Oath of Office

SPECIAL ORDER OF THE DAY – Proclamation Recognizing "July is Parks and Recreation Month and July 4th is a Day to Play"

PUBLIC ANNOUNCEMENTS *Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

PRESENTATION – Santa Clara Valley Health & Hospital System presentation

CONSENT CALENDAR

- 1.A MOTION Approval of Council Meeting Minutes of May 21, 2009
- 1.B MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 09–161 No. 457 & 458

Staff Recommendation: Council review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.D MOTION Authorization to Modify an Existing Contract for the Security Access
RTC 09–169 Control System (F0804-69) and Approval of Budget Modification No. 35

Staff Recommendation: Modify an existing contract with AEC Alarms by increasing the not-to-exceed amount by \$9,318 and approval of Budget Modification No. 35.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.E MOTION Approval and Appropriation of Department of Homeland Security Training
RTC 09-170 Funds and Budget Modification No. 40

Staff Recommendation: Alternative 1: Approve and appropriate the SUASI funding, the EMPG grant funding, and Budget Modification No. 40.

Staff Contact: Lt. Jeffrey Hunter, (408) 730-7157

Contracts

- 1.F MOTION Amendment of Outside Counsel Agreement for Litigation Advice and
RTC 09-165 Services

Staff Recommendation: Approve Amendment to Outside Counsel Agreement to increase amount not to exceed \$250,000.

Staff Contact: David Kahn, (408) 730-7464

Contracts: Sunnyvale Works!

- 1.G MOTION Award of **Sunnyvale Works!** Bid No. F0804-66 for the Rehabilitation of
RTC 09-171 Water Pollution Control Plant Digester No. 4

Staff Recommendation: Award a contract in the amount of \$2,220,000 to Anderson Pacific Engineering Construction, Inc. for the rehabilitation of WPCP Digester No. 4, and approve a project contingency in the amount of \$333,000.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.H MOTION Award of **Sunnyvale Works!** Bid No. F0805-77 for Reconstruction of
RTC 09-172 Curbs, Gutters, Sidewalks and Driveway Approaches

Staff Recommendation: Award a contract in the amount of \$448,148 to Nor-Cal Concrete, Inc.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.I MOTION Award of **Sunnyvale Works!** Bid No. F0805-74 for Exterior Painting of
RTC 09-173 Water Tanks

Staff Recommendation: Award a contract in the amount of \$787,430 to Olympus & Associates and approve a project contingency of \$78,743.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.J MOTION Award of **Sunnyvale Works!** Bid No. F0805-75 for Water Pollution
RTC 09-174 Control Plant Primary and Lab Buildings HVAC Renovation and Primary Building Roof Replacement

Staff Recommendation: Award a contract in the amount of \$778,500 to Environmental Systems and approve a project contingency of \$77,850.

Staff Contact: Pete Gonda, (408) 730-7418

Other Items

- 1.K RESOLUTION Resolution Calling a General Municipal Election for November 3, 2009 for the Election of Councilmembers for Seat Numbers 1, 2 and 3; and Requesting Consolidation of the Election with the County of Santa Clara Registrar of Voters

Staff Recommendation: Adopt the resolution calling the General Municipal Election for the purpose of filling elective offices, November 3, 2009 and requesting consolidation and provision of election services by the Santa Clara County Registrar of Voters.

Staff Contact: Kathleen Franco Simmons, (408) 730-7474

- 1.L MOTION Approval of Final Map (Tract No. 9973) - Four Unit Townhomes and
RTC 09-167 One Common Lot at 834-840 Maria Lane by Maria Lane, LLC.

Staff Recommendation: Approve the final map and direct the City Clerk to forward the final map for recordation.

Staff Contact: Erik Gonzales, (408) 730-7616

**STAFF RESPONSES
TO PRIOR PUBLIC
COMMENTS**

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments

PUBLIC COMMENTS

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION Request by Staff for Continuation of 2008-0861 - Creation of Eichler
RTC 09-160 Design Guidelines (Study Issue)

Staff Recommendation: Continue this item to July 28, 2009.

Staff Contact: Diana O'Dell, (408) 730-7257

3. ORDINANCE 2007-1293 - Palo Alto Medical Foundation [Applicant/Owner]: Application
RTC 09-163 for related proposals on six sites at 301 and 401 Old San Francisco
Road, and 420, 428, and 448 Kenney Court in an R-2/O/PD (Low-
Medium Density Residential with and Office/Planned Development
Combining District) Zoning District;
*Certify Final Environmental Impact Report and adopt Statements of
Overriding Consideration,
*Introduction of an ordinance to rezone from r-2/O/PD (Low-Medium
Density Residential with an Office/Planned Development Combining
District) to PF/PD (Public Facilities/Planned Development)
*Special Development Permit to allow development of a 120,000 sf.
medical clinic, a two level parking garage, and a storage building.

Staff Recommendation: Certify the EIR, maintain the existing zoning, and approve the
Special Development Permit with added conditions and direction to staff, excluding pursuing
street closures.

Staff Contact: Steve Lynch, (408) 730-2723

4. MOTION Adoption of the FY 2009/2010 Budget, Fee Schedule, and Appropriations
RTC 09-168 Limit

Staff Recommendation: Alternative 1: Approve the FY 2009/2010 Recommended Budget,
Fee Schedule, and Appropriations Limit as presented in this report.

Staff Contact: Drew Corbett, (408) 730-7603

5. RESOLUTION Resolution Considering Amendment and Restatement of the Rate and
RTC 09-156 Method of Apportionment of Special Tax and Changes to the Boundary
Map for City of Sunnyvale Community Facilities District Number 1

Staff Recommendation: Approve the resolution.

Staff Contact: Brice McQueen, (408) 730-7284

6. MOTION Proposed Public Art for Target Corporation, Downtown Sunnyvale
RTC 09-166

Staff Recommendation: Alternative 1: Approve the proposed artwork as it is presented with
the two street trees eliminated from the approved landscape plans and with the following two
conditions of approval:

- a. An updated site map (showing the final artwork footing placements), final landscaping
plans and final lighting plans shall be submitted for review and approval by the Project
Planner and the Visual Arts Coordinator prior to installation of the artwork to ensure
there are no conflicts that will impair the visibility of the artwork and that there is
adequate lighting of the artwork after dark.
- b. A final accounting of eligible costs with documentation provided by Target Corporation
will be submitted to the Visual Arts Coordinator prior to the completion of the project to
ensure the 1% expenditure has been met.

Staff Contact: Diane Moglen, 408-730-7343

7. RESOLUTION Fair Oaks Avenue Underground Utility District - Phase II – Public Hearing
RTC 09-159

Staff Recommendation: Alternative 2: Approve the resolution forming the Fair Oaks Avenue Underground Utility District – Phase II.

Staff Contact: Mark Rogge, (408) 730-7426

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission meeting of May 21, 2009
- Draft Minutes of the Joint Arts Commission and Parks and Recreation Commission meeting of May 20, 2009
- RTC 09-162 Planning Commission meeting draft summary minutes of June 8, 2009
- RTC 09-157 Trumark/Luminaire Diesel Particulate Matter Analysis (Information Only)
- RTC 09-164 Follow-up to Council Study Issue (RTC 09-090): Determine Enforceability of CC&Rs for Violations to City Code and Project Approvals

ADJOURNMENT TO THE REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY

ROLL CALL

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- | | | |
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| RDA 1.A. | MOTION | Approval of RDA Meeting Minutes of November 18, 2008 |
| RDA 1.B | RESOLUTION
RDA 09-001 | A Resolution Making Findings Related to the Deposit of Funds in the Low and Moderate Income Housing Fund and Adopting a Low and Moderate Income Housing Fund Deficit Reduction Plan for the Central Core Redevelopment Project Area |

Staff Recommendation: Approve the resolution.

Staff Contact: Brice McQueen, (408) 730-7284

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Agency meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

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RDA PUBLIC HEARINGS/GENERAL BUSINESS

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| RDA 2. | MOTION
RDA 09-002 | Adoption of the FY 2009/2010 Budget for the Redevelopment Agency of the City of Sunnyvale |
|--------|----------------------|---|

Staff Recommendation: Alternative 1: Adopt the budget as recommended.

Staff Contact: Mary Bradley, (408) 730-7398

ADJOURNMENT

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
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Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
June 23, 2009	Council Meeting	7 p.m.	Council Chambers
July 14, 2009	Council Meeting	7 p.m.	Council Chambers
July 28, 2009	Council Meeting	7 p.m.	Council Chambers
Aug. 4, 2009	Council Meeting	6 p.m.	Council Chambers
Aug. 11, 2009	Council Meeting	7 p.m.	Council Chambers
Sept. 1, 2009	Council Meeting	7 p.m.	Council Chamber
Sept. 29, 2009	Council Meeting	7 p.m.	Council Chamber

OTHER SCHEDULED MEETINGS

June 18, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
June 22, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
June 22, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
June 24, 2009	Administrative Hearing	2 p.m.	West Conference Rm
June 24, 2009	Housing & Human Services Commission	7 p.m.	West Conference Rm
June 24, 2009	Parks and Recreation Com. Special Meeting	7 p.m.	Council Chamber
July 1, 2009	Heritage Preservation Commission	7 p.m.	West Conference Rm
July 6, 2009	Board of Library Trustees	7 p.m.	Library Program Rm
July 8, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
July 13, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
July 13, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
July 15, 2009	Administrative Hearing	2 p.m.	West Conference Rm
July 15, 2009	Arts Commission	7 p.m.	Council Chambers
July 16, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
July 20, 2009	Personnel Board	5 p.m.	Council Chambers
Aug. 12, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
Aug. 19, 2009	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

For a complete schedule of KSUN-15 broadcasts, visit KSUN.inSunnyvale.com

June 23, 2009	City Council Meeting - Live	7 p.m.
June 24, 2009	City Council Meeting - Replay of June 23, 2009	7 p.m.
June 28, 2009	City Council Meeting - Replay of June 23, 2009	4 p.m.
July 14, 2009	City Council Meeting - Live	7 p.m.
July 15, 2009	City Council Meeting - Replay of July 14, 2009	7 p.m.
July 19, 2009	City Council Meeting - Replay of July 14, 2009	4 p.m.
Aug. 4, 2009	City Council Meeting – Live	7 p.m.
Aug. 5, 2009	City Council Meeting – Replay of August 4, 2009	7 p.m.
Aug. 9, 2009	City Council Meeting – Replay of August 4, 2009	4 p.m.
Aug. 11, 2009	City Council Meeting – Live	7 p.m.
Aug. 12, 2009	City Council Meeting – Replay of Aug. 11, 2009	7 p.m.
Aug. 16, 2009	City Council Meeting – Replay of Aug. 11, 2009	4 p.m.